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SUBJECT: U.S.-CANADA CONSULTATIONS IN PREPARATION FOR THE
UPCOMING CHR SESSION

REF: STATE 022969

Classified By: Political M/C Brian Flora, reason: 1.4(B/D)

1. (C) SUMMARY. The U.S. and Canada held consultations on February 14 in Ottawa in preparation for the upcoming session of the CHR. Both sides agreed that engaging Mexico before the CHR in a tri-lateral meeting would be important, particularly if Mexico goes forward with an initiative that could serve to undermine country-specific resolutions at the CHR. DRL Acting A/S Kozak noted in particular that country resolutions on Cuba and Belarus would be our priority for this year's session, and emphasized that any resolution on the Sudan that might be introduced at the CHR can not prejudice the work of the Security Council. Canada concurred with the U.S. approach for introducing a Cuba resolution and gave a tentative commitment. Kozak noted that the U.S. had not yet decided on a possible resolution on China. Canada suggested that a group of experts from the U.S, Canada and the EU work with the Swiss on a resolution text on Nepal prior to the CHR. Kozak reiterated the U.S. position that the work on the Indigenous Peoples resolution needs to be completed, after 10 years of effort. Canada agreed, although they are concerned about the possible adverse effects if the U.S. should pull out of the negotiations. IO DAS Mark Lagon outlined U.S. concerns on resolutions concerning Impunity and Violence Against Women, and noted that the U.S. still needs to complete an interagency review on a Restitution resolution. Lagon outlined several concerns that the U.S. has with Beijing 10, including language on abortion rights, reference to different forms of family, and the use of quotas. A luncheon discussion focused on CHR reform and on efforts to foster cooperation among democracies as a means of achieving human-rights aims. END SUMMARY.

2. (SBU) In preparation for the 61st session of the UN Commission on Human Rights (CHR), scheduled to convene in Geneva later this month, DRL Acting A/S Michael Kozak, IO DAS Mark Lagon, and DRL A/DAS Michael Butler met on February 14 with counterparts from Foreign Affairs Canada (FAC). Canada, which rejoins the CHR after a one-year absence, was led in the discussions by Marie Gervais-Vidricaire, Director General of FAC's Global Issues Branch. A variety of country specific and thematic issues were covered, including possible resolutions on Cuba, Belarus, Sudan and China, as well as reviewing strategy for concluding the Draft Declaration on the Rights of Indigenous Peoples. David Malone, newly appointed Assistant Deputy Minister for Africa and the Middle East, later joined the group for a working lunch, where discussion focused on the recent UN High Level Panel reform recommendations and cooperation among democracies at the CHR and elsewhere.

3. (SBU) Gervais-Vidricaire opened the meeting by reviewing some of the changes that had recently taken place at FAC, noting that the Canadian Government had proposed to split the international trade component of Foreign Affairs into a separate ministry, and citing the recent reorganization of the geographic and functional bureaus within FAC (which she said hadn't yet had an impact on her bureau). She then reviewed the recent 3-day consultations that they had held with Canadian NGOs as part of FAC's preparation for the CHR. She characterized these meetings as somewhat disappointing, commenting that NGO participation was lower than in previous years, and that many of the issues raised by the NGOs were not germane to the CHR.

4. (SBU) Kozak noted that DRL/IO had recently held CHR consultations with the EU, which had gone well. The U.S. and Canada agreed that it would be important to hold a tri-lateral meeting with Mexico prior to the CHR, particularly given a recent initiative by Mexico (reftel) that might serve to undermine country-specific resolutions at the CHR. While Canada suggested a tri-lateral meeting in the first week of CHR in Geneva, given time and travel constraints, there was discussion of a video teleconference as the practical solution for engaging the Mexicans before the CHR.

COUNTRY-SPECIFIC ISSUES

15. (C) Cuba: Kozak stated that the U.S. is likely to sponsor this year's resolution, given past difficulties (text and timing) encountered when relying on other countries to carry the resolution, particularly as the U.S. is seen as its source anyway. Our goal is for a short resolution that has a good chance of winning, in lieu of putting forward a long laundry list of complaints that has a more limited chance of passage. Kozak reported that Congress and U.S.-based NGOs were in agreement with this strategy, and that winning the resolution is the bottom line. The resolution itself, we noted, would focus on extending the mandate of the Special Rapporteur and requesting that she report on Cuban compliance with the 15 previous resolutions passed by the CHR. Gervais-Vidricaire concurred in our approach, commenting on reports she had seen that Havana was already gearing up anti-U.S. rhetoric in anticipation of a CHR resolution. She gave tentative commitment, however, when asked if Canada would support the resolution, advising that FAC would need more time to study since a more forthright text might be optimal.

16. (C) Belarus: Kozak noted that this was our other priority for this year's CHR, particularly since the Belarus resolution had failed in the 2004 UNGA 3rd Committee. Both sides agreed that EU commitment in carrying the resolution is critical, but suspected that the EU may have some reluctance to do so. If the EU does not run the resolution, the U.S. will do it. Gervais-Vidricaire agreed with our assessment.

17. (C) Sudan: Kozak emphasized that any resolution on Sudan introduced at the CHR cannot prejudice the work of the Security Council, and that our preference is for no resolution at all. If there is to be one, we will try to amend and bring it in line with the Security Council position. Gervais-Vidricaire agreed and pledged Canada's cooperation, noting that a strong text is important, and if the EU passes this resolution off to the African Union to carry, that may not be the case. Both sides agreed that a possible strategy in amending a weak resolution might be to use previous EU/AU language on Sudan in crafting an amendment.

18. (C) China: Gervais-Vidricaire reviewed Canada's recent human rights dialogue with China, including working with Beijing on their new HIV/AIDS strategy (which the Chinese previously refused to even acknowledge the presence of the disease in China), and success in engaging China via multi-lateral regional forums. Kozak noted that our bilateral discussions with Beijing have slightly improved during the course of the year, with Beijing making the overture to recommence low-level talks late last year. Kozak reviewed our approach with Beijing on a possible resolution at the CHR; we have not made a decision at this point, and whether we go forward with one depends strictly on China's year-to-year performance in human rights. Gervais-Vidricaire agreed that it was important to keep pressure on China, and she commented that Prime Minister Martin had raised human rights during his recent visit to Beijing.

19. (C) Nepal: Both sides agree that a credible resolution is required, given recent events and the deteriorating situation in the country. Kozak registered concerns that the language of the resolution not establish equivalence between the Maoist rebels and the actions of the GON. Gervais-Vidricaire suggested that a group of experts from the U.S., Canada and the EU work with the Swiss on the resolution text prior to the CHR, and discuss whether it will be an Item 9 or Item 19 action.

10. (SBU) Iran: Gervais-Vidricaire indicated that Canada would not proceed with a CHR resolution, since it was able to secure passage of an UNGA resolution.

11. (C) Uzbekistan: Kozak noted that the U.S. prefers an Item 19 resolution building on the progress in Uzbekistan's human-rights performance over the past year, while the EU was split with some favoring an Item 19 and other an Item 9.

12. (C) Israel: Canada agreed with the U.S. position that the number of anti-Israel resolutions should be reduced.

Thematic Issues -----

13. (C) Indigenous Peoples: Kozak stressed that the UN negotiations have to come to an end, after 10 years of work. Canada, which chairs the Working Group on the Draft Declaration, is seeking a one-year extension for the Working Group, but agrees about the need for closure, and will look to have a series of benchmarks available to preclude an open-ended mandate. The issue of drafting a declaration, using previously approved language, was discussed, with Canada insisting that this would not be acceptable to its aboriginal community, although it might be forced to embrace it. The role of Cuba in the process is of concern to both sides, particularly Havana's efforts to influence other Latin

countries. Canada remains concerned about the worst-case scenario, in which the U.S. pulls out of negotiations, and a "bad" declaration is adopted, one that Cuba (and other countries) can exploit for their own purposes.

14. (C) Impunity: ICC language in the resolution is a sticking point for the U.S., Lagon emphasized; neutral, factual language is required for our support. The U.S. will use amendments, vice paragraphs votes, if we have problems with the text. Canada believes ICC language is important and seeks a positive reference in this resolution.

15. (C) Restitution: Chile may put forward a resolution at the CHR. Kozak and Lagon advised that we still need to complete an interagency review before establishing a position, but a key point from our perspective is to not finally merge two bodies of law -- law of war vs peacetime human rights law, despite some overlap. Canada agrees that differentiation is important to maintain.

16. (C) ESCR: Kozak provided a copy of a draft amendment to the CHR resolutions on economic, social and cultural rights focusing on each nation's own governance and implementation. The U.S. may seek to add it to the housing resolution. Canada's assessed that discussions are similar to the previous year, with some countries, including Canada, UK and Japan, looking at alternative protocols, but nothing has been put forward yet.

17. (C) Violence Against Women: Canada has run this resolution for the past 10 years, and hopes to achieve consensus, increase co-sponsorship. Lagon reviewed several concerns that we have, particularly language that references the ICC.

18. (C) Beijing 10: Lagon noted several issues that may be problematic, including language on abortion rights, reference to different forms of family that could be construed as gay marriage, and use of quotas. He expressed the U.S. desire for broad constructive agreement on implementing steps to promote Women's Rights at the Commission on the Status of Women at Beijing 10.

19. (C) Corporate Social Responsibility: Lagon noted that the U.S. has serious problems with this item, since our focus is on voluntary initiatives by corporations. Canada shares our concerns, but believes that corporations do have a role in promoting human rights. Both sides question whether the Sub-Commission for the Promotion and Protection of Human Rights is the best forum to address this issue.

UN High Level Reform Recommendations

20. (SBU) During an informal luncheon discussion, both sides agreed that the recommendation to have universal membership at the CHR had set back Canada's long-running effort (in cooperation with the Dutch) to establish a WEOG rotational scheme. The U.S. side reiterated its opposition to universal membership, while the Canadians leaned in support of it. Kozak described U.S. efforts to enlist the Community of Democracies, and the Democracy Caucus within the UN system, as allies in support of our human-rights diplomacy.

21. (U) This cable has been cleared by A-A/S Kozak.

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